

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
COURT FILE NO.: \_\_\_\_\_**

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Jacquelyn Cordes,

Plaintiff,

v.

Frederick J. Hanna & Associates, P.C.,

Defendant.

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**COMPLAINT**

**JURY TRIAL DEMANDED**

**INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (hereafter the "FDCPA").

**JURISDICTION AND VENUE**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Venue lies in this district pursuant to 28 U.S.C. § 1391(b).

**PARTIES**

4. Plaintiff Jacquelyn Cordes is a natural person who resides in the City of Eden Prairie, County of Hennepin, State of Minnesota, and is a "consumer" as defined by 15 U.S.C. § 1692a(3).

5. Defendant Frederick J. Hanna & Associates, P.C. (hereinafter "Defendant") is a law firm regularly engaged in the business of collecting debts in Minnesota and

throughout the United States, with its principal place of business located at 1427 Roswell Road, Marietta, GA 30062. Defendant is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

### **FACTUAL ALLEGATIONS**

6. Sometime prior to December 1, 2009, Plaintiff allegedly incurred a “consumer debt” as that term is defined by 15 U.S.C. § 1692a(5) with Chase Bank USA, N.A.

7. Upon information and belief, the alleged debt was transferred, sold, or assigned to Defendant for collection prior to December 1, 2009.

8. Between approximately December 3, 2009 and January 20, 2010, Defendant left a total of seven scripted and/or prerecorded voice messages on a shared answering machine attempting to collect the alleged debt.

9. Each voice message left by Defendant between December 3, 2009 and January 20, 2010 identified the communication as being from a debt collector with the “Law Office of Frederick J. Hanna & Associates.”

10. Defendant’s messages were heard by at least one third party, Plaintiff’s former boyfriend, who did not have a legitimate business need for the information communicated in the message.

11. Plaintiff did not authorize Defendant to communicate with any third parties.

12. Defendant knew or had reason to know that persons other than Plaintiff may hear its telephone messages left between December 3, 2009 and January 20, 2010 as a result of the outgoing message on the answering machine, which was in a male voice and indicated multiple persons would hear any messages left by callers.

13. Defendant communicated with a third party in connection with the collection of an alleged debt, in violation of 15 U.S.C. §§ 1692d and 1692c(b).

14. On or about February 9, 2010, Defendant sent Plaintiff a written collection communication in an attempt to collect the alleged debt.

15. The letterhead on the collection communication dated February 9, 2010 indicated it as being from “FREDERICK J. HANNA & ASSOCIATES, P.C., Attorneys at Law” and therein listed the names of ten attorneys. The letter was signed by “Frederick J. Hanna & Associates, P.C.”

16. Upon information and belief, as of February 9, 2010, Plaintiff’s alleged debt had not been personally reviewed by any attorney, nor had any attorney participated in the handling of the alleged debt, in violation of 15 U.S.C. § 1692e(3).

**TRIAL BY JURY**

17. Plaintiff is entitled to and hereby demands a trial by jury. US Const. amend. 7. Fed. R. Civ. Pro. 38.

**CAUSES OF ACTION**

**COUNT I.**

**VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT –**

**15 U.S.C. § 1692 et seq.**

18. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

19. The foregoing acts of Defendant violate the FDCPA, including but not limited to each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq.

20. As a result of said violations, Plaintiff has suffered damages and is entitled to actual damages, statutory damages of up to \$1,000.00, as well as costs and reasonable attorney's fees. (15 U.S.C. § 1692k(a)(2)(B) and § 1692k(a)(3)).

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully prays that relief be granted as follows:

- a) That judgment be entered against Defendant for actual damages, pursuant to 15 U.S.C. § 1692k(a)(1);
- b) That judgment be entered against Defendant for statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A) and (B);
- c) That the Court award costs and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3); and
- d) That the Court grant such other and further relief as may be just and proper.

Dated this 5th day of April, 2010.

Respectfully submitted,

By: s/ Trista M. Roy

**CONSUMER JUSTICE CENTER, P.A.**

Trista M. Roy

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*ATTORNEY FOR PLAINTIFF*

## VERIFICATION OF COMPLAINT AND CERTIFICATION BY PLAINTIFF

[illegible]

I, Jacquelyn Cordes, having first been duly sworn and upon oath, deposes and says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorney and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.

s/Jacquelyn Cordes  
Jacquelyn Cordes

Subscribed and sworn to before me  
this 1st day of April, 2010.

s/Benjamin W. Manthey  
Notary Public